

Fax Cover Page

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To: U.S. Department of Justice

Attn.: Director, Office of Information Policy (OIP)

From: Brian David Hill

Fax ID: 276-790-3505

FOIA Appeal Case No. DOJ-AP-2017-002520

Bit of Evidence that Assistant Federal Public Defender LIED to me,

LIED to my family, LIED to one or more Federal Judges, showing evidence that confidence in my Attorney was compromised causing false

guilty plea to the Honorable U.S. President Donald J. Trump and The White House staff/aides

Wednesday, March 15, 2017 - 11:33 PM to 01:25 AM

CC: ATTN: Director

Office of Information Policy (OIP)

United States Department of Justice

1425 New York Avenue, NW, Suite 11050

Washington, DC 20530-0001

Phone: (202) 514- 3642 (FOIA) // Fax: (202) 514-1009

FOIA Appeal Case No. DOJ-AP-2017-

002520

This is a WARNING, that the lawsuit threat is HOT: I will now be seeking an Attorney to start up the FOIA lawsuit within days to a few weeks. I will sue the U.S. Attorney Office in days, if there is no investigation, no resolution, no holding U.S. Attorney accountable. REAL INVESTIGATION REQUESTED. I will sue with lawyer or sue Pro Se.

URGENT

URGENT

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evidence that confidence in my Attorney was compromised causing false
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Wednesday, March 15, 2017 - 11:33 PM to 01:25 AM

ATTN: Honorable U.S. President Donald J. Trump
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Faxed to:

WH Press Corps # 1-202-266-7454
WH Fellowship #: 1-202-395-3888
WH OMB #: 1-202-395-3952
WH OMB #: 1-202-395-5648
-Please FWD to President and Staff-

RECEIPT CONFIRMATION
REQUESTED

Dear the Honorable U.S. President Donald J. Trump,

How much evidence do I need to fax, mail, and have my family to email your Office, before you will consider pardoning me for my actual innocence and/or Constitutional deprivation? Will The White House ever give me a phone call? Will The White House ever right the wrongs done to me? Two wrongs don't make a right. Will they ever send me a letter? Trump knows that people can be framed as a pedophile so why doesn't Trump talk to me? How much evidence do I need to send to The White House? A Mountain of evidence? Enough evidence to fill one or two filing Cabinets? This is ridiculous. I want to prove my Innocence Mr. President.

Well here is a bit of evidence, that I have evidence that my own Assistant Federal Public Defender, Eric David Placke, lied to me, lied to my family, lied in Federal Court, contradicted himself, and that he colluded with the U.S. Attorney Ripley Rand or Assistant U.S. Attorney Anand Prakash Ramaswamy, to ensure that I perjure myself by falsely pleading guilty under Rule 11 of the Federal Rules of Criminal Procedure. Should I go to prison for being a victim of judicial corruption and tyranny? Being a victim of the Corrupt Mayodan Police Department and a corrupt State Senator?

The Address of Mr. Placke is at: 301 North Elm Street, Suite 410, Greensboro, NC 27401, Eric_Placke@fd.org, Phone #: 336-333-5455, and Fax #: 336-333-5463, Designation: Public Defender or Community, Defender Appointment.

The reason my own Public Defender lied and misrepresented things in my criminal case, was that I didn't have a criminal Defense lawyer appointed to me by the U.S. Magistrate Judge, at the L. Richardson Preyer Federal Building and U.S. Courthouse. Instead I was appointed a Prosecuting Attorney acting as my Defense lawyer. He acted as a Prosecuting Attorney by misrepresenting me, lying to my family, lying about material facts, and trying to cover up the truth by having a secretive discovery agreement and lying about access to

the discovery evidence to my family. How can I trust a Defense Attorney that doesn't do what I ask him to do, he lied to my family, he lied to multiple Federal Judges, allow me to suffer in Jail, misrepresent the facts, and lie to my face? You can't trust a Defense Attorney that does all of that, or any of the above.

I have no choice but to take all of this evidence to the FBI or any good credible media that doesn't produce fake news, and embarrass our crooked Federal Judges, our crooked U.S. Marshals, the crooked U.S. Attorney in Greensboro, and embarrass other liars and con artists that led to my wrongful conviction. These Federal Judges should be rotting in prison instead of screwing me over systematically to the pit of hell.

John Walsh never asked for our Federal Judges to act crooked, above the law, having Judges and Public Defender collude with enemies such as the Prosecuting Attorney, and attack Defendants through con artistry and misrepresentation into perjury acts of false guilty pleas.

Should I send a MOUNTAIN of evidence Mr. President? Should I send the evidence to the Secret Service or the FBI? The Mountain of evidence of fraud, deceit, medical deterioration, threats, torture, and other issues all dealing with my wrongful conviction?

I used to be apart of Alex Jones and his people. They all abandoned me after I was framed with child porn, even though he admitted live on air around February 3, 2017, that anybody who messes with the pedophile rings will have child porn loaded on their computers, and that people at the Pentagon had child porn planted on them to blackmail them into submission. I am sick of being a victim of a corrupt criminal Federal Judicial branch of liars, lawyers playing dirty lawyer games, and acting above the law.

Should I ask the United Nations to inquire into the crooked United States Federal Judges in Greensboro, NC? I hate going to a Globalist organization as I hate the New World Order, so I will stick with gathering a MOUNTAIN of EVIDENCE then send to the FBI, media, Secret Service, and other law enforcement agencies until something is done about the crimes and collusion within our Federal Courts. Did John Walsh support the crooked Federal Judges? Dear God! I sure as hope not. Innocent men and women should not be forced to register as Sex Offenders under sabotaged Jury Trials.

I am so angry over what Eric Placke did to me, I am almost wanting to scream and am suffering a headache right now, and am ranting to my family about how angry Placke has made me. I wished I would have cussed him out as other inmates have admitted to have done, but I have to keep my cool calm composure. I hate Placke for selling me down the river like a house slave of the plantation.

Let me begin with the evidence I further argue as to why my Attorney was not my Defense Attorney but was my enemy and was never going to do anything to prove my

Innocence. He was working against me every step of the way.

First of all Placke conducted a secret negotiation with the U.S. Attorney Office for the discovery evidence packet to which it would be placed under heavy restrictions which would be counter-productive to me being able to prove my Innocence to a Jury, prior to the Jury Trial.

Excerpt from Exhibit 1:

"Finally, in the email you sent earlier today, you mentioned getting a copy of the evidence I have received from the government. While Brian would certainly like to authorize that, he cannot. The rules governing discovery, and various other ethical and legal considerations, tightly restrict access to such information. I will review what I have received from the government with Brian, and give him all the time he needs to examine it in my presence. However, I cannot even give him a copy, and I cannot discuss it with third parties."

There you have it Mr. President and the Secret Service, I wasn't even going to be allowed to have third-party forensic expert specialists to even be allowed to have access to the discovery packet. Placke said "I cannot discuss it with third parties" which means that Placke had it out to get me from the very beginning, making sure that not anybody, not even a independent forensic psychologist (except Federal Bureau of Prisons biased psychologist liar Dr. Dawn Graney), not even anybody except the corrupt Government minions can review over the U.S. Attorney's evidence that was being used against me. If my family had no right to get access to the discovery evidence by the U.S. Attorney aka the Government, then why did we all get access to it at John Scott Coalter's Office on January 22, 2015, months after my final criminal conviction? Placke lied and misrepresented the discovery rules to suite his own benefit, to get that guilty plea by making me feel hopeless and powerless.

If the Discovery rules were that strict against me, then why did I receive papers from the Executive Office for U.S. Attorney's FOIA Office of discovery papers with no stipulations outside of Mr. Placke's Secretive Area-51 type discovery agreement. So I can get photocopies of things that were in discovery packet of papers in my criminal case pursuant to FOIA, yet that is a violation of the secretive Area-51-type discovery agreement according to LIAR Mr. Placke. That means that the FOIA Office violated the secretive discovery agreement and has contempted the U.S. Attorney, being sarcastic here. I am sick of the contradictions and selective enforcement, all done to prevent me from proving my actual Innocence. I was entitled to the entire discovery packet, I am entitled to my rights under the U.S. Constitution and being able to prove my Innocence.

Placke claimed that he will "give him all the time he needs to examine it in my presence." That was another LIE. He never showed me the SBI case file forensic report.

When he visited me, it was in a meeting area where glass was between me and him as Forsyth County Detention Center was a MAXIMUM SECURITY Jail. He never showed me the SBI case file and I never was given any opportunity to review it in his presence. I admitted this in Declaration below, under Oath. I am telling you the TRUTH.

Excerpt from Exhibit 1:

"I met with Brian for about an hour and a half earlier today. He was in good spirits, said that he had seen a doctor and the jail's medical staff was doing a "great" job of managing his diabetes, and that he feels "a lot better.""

That too was a lie, as Exhibit 2, shows evidence that blood sugar levels not being stable and not controllable. I do not remember ever telling Placke that I was in "good spirits" and that "the jail's medical staff was doing a "great" job of managing his diabetes". So Placke lied to my family that the medical staff was doing such a "great" job, when what they were doing was screwing with my diabetes. Placke is a liar, he knew my blood sugars were running high and didn't care. What a horrible, terrible, disgusting liar, and that is all I had as a Defense lawyer. God help me, give me mercy on my soul. I have been screwed over by the Federal Court, both medically and legally.

I am willing to admit under Oath that what the medical staff did at Forsyth County Detention Center, was feed me meals (aka diet trays) with a lot of starches. Starches can raise blood sugars of diabetics. Then hours after eating my meal, my blood sugar starts going sky high and then the nurses of Correct Care Solutions treat my blood sugar after the carbs started raising my blood sugar glucose. So they were making me slowly suffer while acting as though they were giving me diabetic insulin. I wasn't given any Lantus insulin. Only 70/30 which does not work for me. I walked every day while I was in Jail, walked around my cell block to try to lower my blood sugar levels, and to a certain extent it did help to lower my blood sugar by doing a lot of walking for the short time that I was allowed out of my jail cell. Exhibit 2, I shall cite that around the date: "1-8-14" my blood sugar level read as "358," another was "276" and the last on that day as reported was "266," two days before Placke reported sent that email to my family about meeting with me. Date: "1-5-14" the blood sugar was reported as "349" and "283". There was only one concerning registered low blood sugar which was 51, and it was because of the extreme exercising causing my body to consume any remaining glucose. The Jail staff controlled my insulin and didn't even give me the same insulin as prescribed (NovoLog and Lantus glargine 24/Hour insulin). Yeah Mr. Placke, the Jail did such a great job as you said in your email to my family you liar. Sarcasm intended for Mr. Placke, not the U.S. President.

Exhibit 3, proves that J. Joy Strickland brought up that the SBI had been separated from the State Crime Laboratory in 2013, however that was not the case in 2012, when my property was seized and transferred to SBI Agent Rodney White. SBI Agent Rodney White had conspired to refuse to use the N.C. State Crime Laboratory to prevent me from

having any right to object to any of the forensic work that was done secretly then Mr. Placke made sure that I had no right to be served with the Forensic report as required by law for the evidence to be admissible in accordance with N.C. GS: ARTICLE 7C.

ADMISSIBILITY OF FORENSIC EVIDENCE., § 8-58.20. Forensic analysis admissible as evidence. For that I cite Exhibit 4 as evidence of this statute. Rodney White avoided the State Crime Laboratory so that he didn't have to have the District Attorney serve me a copy of the forensic report outside of Mr. Placke's Area-51 secretive discovery rules.

Excerpts from Exhibit 4:

“(d) The district attorney shall serve a copy of the laboratory report and affidavit and indicate whether the report and affidavit will be offered as evidence at any proceeding against the defendant on the attorney of record for the defendant, or on the defendant if that person has no attorney, no later than five business days after receiving the report and affidavit, or 30 business days before any proceeding in which the report may be used against the defendant, whichever occurs first.”

“(e) Upon receipt of a copy of the laboratory report and affidavit, the attorney of record for the defendant or the defendant if that person has no attorney, shall have 15 business days to file a written objection to the use of the laboratory report and affidavit at any proceeding against the defendant. The written objection shall be filed with the court in which the matter is pending with a copy provided to the district attorney.”

No Affidavit was ever made in the SBI case file, yet I was to become a Sex Offender based upon the questionable work done by Special Agent Rodney V. White. I was never served with a copy of the questionable forensic report because everything was done in secrecy then Mr. Placke wanted to lie to Federal Judges and lie to my family, acting as though he is working within my best interests. **Placke can go straight to HELL.**

Mr. President, Mr. Placke had no interest in proving my Actual Innocence. His only interest was getting me to agree to be guilty, to take that false guilty plea agreement. He is 1000x times worse than just ineffective Counsel. He lied in Court record, lied to me and my family.

Mr. President, I need to prove my INNOCENCE then be fully pardoned.

Brian D. Hill
Signed

U.S.W.G.O.

Thank You! & Sincerely,
Brian D. Hill

Former news reporter & Founder of USWGO Alternative News
Home Phone #: (276) 790-3505
310 Forest Street, Apt. 2. Martinsville, VA 24112

Declaration of Evidence Attachments to above Letter

Thursday, March 16, 2017 - 01:23 AM EST

Declaration authorized by Title 28 U.S.C. § 1746

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. Whereas, I am a Defendant in the United States District Court, for the Middle District of North Carolina, case # 1:13-cr-435-1, titled: United States of America v. Brian David Hill, and I am pushing for a Presidential Pardon on the basis of Innocence. I am not a licensed attorney, but I am slowly learning more about the Federal Rules and filing procedures as I was not being represented by any of the Court Appointed lawyers in the past for trial Defense under the adversarial system, See U.S. Supreme Court Case Strickland v. Washington, 466 U.S. 668 (1984).
2. My own Assistant Federal Public Defender (Pretender) Eric David Placke secretly signed a discovery agreement saying that I cannot get access to the discovery evidence that was used against me except only through my Attorney, meaning that I have to visit my Attorney's Office each time that I just want to get access to my discovery packet, and my court appointed Attorneys has a vested interest to keep me wrongfully convicted and never wanted me to prove my Actual Innocence.

Enclosure/Attachments:

3. Attached hereto as Exhibit 1, is a true and correct copy of 4-Page printout of an Email from Eric David Placke, Assistant Federal Public Defender, that was sent to my family around Friday, January 10, 2014 4:56PM. My mother printed it for me. Placke claimed that he will (quoting from the email) "give him all the time he needs to examine it in my presence." That was another LIE. He never showed me the SBI case file forensic report. When he visited me, it was in a meeting area where glass was between me and him as Forsyth County Detention Center was a MAXIMUM SECURITY Jail. He never showed me the SBI case file and I never was given any opportunity to review it in his presence. I never knew anything about the SBI case file until January 22, 2015. I assumed it was a State Crime Lab report but later found out that it wasn't. I was confused and had been misinformed by such secrecy.
4. Attached hereto as Exhibit 2, is a true and correct copy of a 1-page Diabetic Flow Sheet excerpt of a pack of medical records papers that I received from Forsyth County Detention Center in Winston Salem, North Carolina.
5. Attached hereto as Exhibit 3, is a true and correct copy of a 1-page letter from Assistant Attorney General J. Joy Strickland, whom is Counsel to the State Crime Laboratory aka the North Carolina State Crime Laboratory. Letter dated January

26, 2015. Letter was stored in VentaFax Log Book which is FAX records and keeps records of documents and pages that were faxed in the past.

6. Attached hereto as Exhibit 4, is a true and correct copy of a 2-page excerpt book scanned pages from a North Carolina General Statutes law book, that was originally scanned at Orange County Detention Center, and was submitted to the Federal Court to be filed on Docket as evidence. Federal Court Filing: Case # 1:13-cr-00435-WO, Document #49, Filed 10/06/14, Pages 5 and 6 of 10, U.S. District Court, for the Middle District of North Carolina.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 16, 2017.

Brian D. Hill
Signed

Signed

Brian David Hill(Pro Se)

Former news reporter & Founder of USWGO Alternative News

Home Phone #: (276) 790-3505

310 Forest Street, Apt. 2. Martinsville, VA 24112

U.S.W.G.O.

EXHIBIT 1

Subject: Re: Info concerning Brian D. Hill
From: Eric Placke (Eric.Placke@fd.org)
To: kenstella2007@comcast.net;
Cc: rbhill67@yahoo.com;
Date: Friday, January 10, 2014 4:56 PM

Dear Mr. and Mrs. Forinash

I met with Brian for about an hour and a half earlier today. He was in good spirits, said that he had seen a doctor and the jail's medical staff was doing a "great" job of managing his diabetes, and that he feels "a lot better." He also indicated that he can now use the telephone regularly, and has called you several times. Those are all positive developments; nevertheless, I continue to believe Brian would be better off if he could be released pending further proceedings in his case. Accordingly, I welcome your willingness to reconsider assisting in his release. The conditions of pretrial release we already know the Court would require include a suitable third party custodian, presumably Brian's mother, and home detention with electronic monitoring. Additional restrictions that are typically imposed in cases such as these include prohibitions on Brian's possession of, or access to, any sort of sexually explicit material or pornography of any kind, including adult pornography that would otherwise be legal; a complete prohibition on computer and internet access by Brian; a complete prohibition on any contact between Brian and any alleged victim or potential witness and, finally, conditions of the sort imposed in any case, such as a complete prohibition on the defendant's access to any sort of weapon, and the requirement to report as directed to the pretrial services officer. One of the pretrial service officer's duties is to monitor compliance with those conditions, and otherwise insure that the residence to which a defendant is released is suitable for supervision. That is why the officer would need to be able to examine the entire residence. The other conditions about which there has apparently been some concern, such as registration as a sex offender, not residing within 1000 feet of a school and other restrictions on access to minors, are conditions required in the case of those CONVICTED of sex offenses, not those who are merely accused of a sex offense and awaiting trial.

I have been in contact with a variety of people who believe they can help in this case, and will contact Ms. Dagan-Foxman and Ms. Taylor as well. Generally speaking, however, my contact with such people will be limited to gathering information, rather than discussing Brian's case. As I mentioned before, it is not in Brian's best interest to contribute to the already considerable volume of conversation about his case, much of which is taking

place over the Internet and is, therefore, widely accessible and which, as I mentioned earlier, I have already observed to involve mistaken information, including the exact nature of the charge against him, the amount of child pornography allegedly recovered from his computer equipment, the conditions under which he has been held and the conditions under which he might be released, just to name a few.

Finally, in the email you sent earlier today, you mentioned getting a copy of the evidence I have received from the government. While Brian would certainly like to authorize that, he cannot. The rules governing discovery, and various other ethical and legal considerations, tightly restrict access to such information. I will review what I have received from the government with Brian, and give him all the time he needs to examine it in my presence. However, I cannot even give him a copy, and I cannot discuss it with third parties.

As always, thank you for your continued interest in, and concern for, your grandson.

Eric D. Placke
Assistant Federal Public Defender
Middle District of North Carolina
301 N. Elm St., Ste. 410
Greensboro, NC 27401
voice: 336.333.5455, ext 234
fax: 336.333.5463

From: "Stella & Ken Forinash" <kenstella2007@comcast.net>
To: "Eric Placke" <Eric_Placke@fd.org>,
Cc: "Roberta" <rbhill67@yahoo.com>
Date: 01/09/2014 07:07 PM
Subject: Info concerning Brian D. Hill

Dear Mr. Placke,

Thank you for your email. When you correspond with us, could you use this email address (kenstella2007@comcast.net) instead of the one at Yahoo, and cc Roberta Hill at rbhill67@yahoo.com We are glad you were able to visit with Brian and check on his conditions. Hopefully the Forsyth Detention Center will be able to handle all of his problems for the time being. Brian was able to call today and he sounded as if he were as well as can be expected under the circumstances. He said he is receiving his insulin and

getting his mail. He was able to purchase some items through the commissary also.

He advised us of the letter he had written to you, and mentioned the dates of Jan 15, 2014 for motions to suppress the arrest warrant. He also mentioned some friends that have a lot of information that should be very helpful to you. Mary Dagan-Foxman, 559-456-1924, has been doing some investigative work and should be very helpful. She has found evidence that the IP address was manually entered into a database in Florida. Brian said he gave you her name as one that you could speak with about his case. We also understand he will have a hearing on Feb 3, 2014 at 9:30 concerning the motions to suppress the evidences.

Our position on the third party custodian is as follows: Brian’s mother, Roberta Hill, is working on purchasing a duplex apartment for her and Brian. As of today it may, or may not be approved, depending on the lender. If Brian were to come back here to his apartment, from what we were told, they would check everything in this building before letting him return. Brian’s apartment is a basement apartment with only access to the outside of the building. Why would they need to check our apartments if he were to return to his apartment? It doesn’t make sense to us. We have a problem with water pressure here, and that is one of the reasons Roberta is trying to get their own place. There have been a lot of obstacles she has encountered in the past couple days. Roberta was also told by Joy Walter of Parole services that a restriction would be that he could not be within 1000 feet of a child, we have a child that lives directly across the street from us, would that be a violation? We need the restrictions explained more fully to us, but we are willing to do what we have to to get Brian released to a third party custodian, his mother preferably.

Finally, what information that you have received, if we may ask, has proven to be mostly inaccurate?

We will look forward to hearing from you.

Thank You,

Stella & Ken Forinash
276-632-2599

|-----|

| | This email is free from viruses and malware because avast! Antivirus |

| | protection is active. |

|-----|

EXHIBIT 2

Diabetic Flow Sheet

Forsyth County Detention Center
Forsyth Co
201 North Church Street
Winston-Salem, NC 27101
336-917-7676



Patient Name HILL, BRIAN D	Inmate Number 1908253	Booking Number 121715	Date of Birth 5/26/1990	Today's Date 1/2/2014
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FS & Insulin
Ordered:

FSBS QID until release and report with SSI

DATE	TIME	RESULT	MEDICATION	DOSE	INIT.	PROV. NOTIFIED	COMMENTS
1-2-14	2140	276					at intake screening
1-3-14	0440	222	NPH 20u, Reg s/s	2u	RR		
1-3-14	1815	340	NPH 20u	15u	V		le u reg s/s
1-3-14	0445	230	NPH 20u Reg s/s	2u	RR		
1-4-14	1745	344	NPH	15	AR		le u s/s reg
1-5-14	0443	51			RR		Glucogel given, ate tray
1-5-14	0635	283	NPH	20u	RR		
1-5-14	2010	349	NPH	15u	AR		le units s/s reg
1-6-14	0515	155	NPH	20u	E		
1-6-14	1830	258	NPH	15u	V		4 u reg s/s
1-7-14	0446	258	NPH 20u, Reg s/s	4u	RR		
1-7-14	1815	259	NPH 20		AR		s/s reg 4 units
1-8-14	0451	149	70/30	15u	RR		
1-8-14	0955	276	70/30	15u	IG		1
1-8-14	1830	358	70/30	15u	V		
1-8-14	2213	266	70/30	5u	V		
1-9-14	0400	78	70/30	15u	DC		
1-9-14	1700	197	70/30	15u	AR		
1-9-14	2200	164	70/30	5	1/L		
1-10-13	0535	154	70/30	15u	RR		
1-10-13	0955	251	Humulin 70/30	15u	IG		
1-10-13	1802	202 302	70/30	15u	V		
1-11-14	0453	91	70/30	15u	RR		
1-11-14	1000	136	Humulin 70/30	15u	IG		
1-11-14	1830	121	70/30	15u	V		
1-12-14	0443	168	70/30	15u	DC		
1-12-14	1720	193	70/30	15u	V		
1-12-14	2210	268	70/30	5u	V		



EXHIBIT 3

North Carolina State Crime Laboratory

Department of Justice
121 E. Tryon Road
Raleigh, North Carolina 27603



ROY COOPER
ATTORNEY GENERAL

JOHN A. BYRD
DIRECTOR

January 26, 2015

Mr. Brian Hill
916 Chalmers Street, Apt. D
Martinsville, VA 24112

Dear Mr. Hill:

I am in receipt of your recent letters concerning the investigation of your criminal case involving child pornography. According to your letters, the work in your case was conducted by Special Agent Rodney White of the State Bureau of Investigation (SBI). S/A White is not an employee of the North Carolina State Crime Laboratory. The North Carolina General Assembly separated the State Crime Laboratory from the SBI in 2013 and removed the SBI from the Department of Justice in 2014. Therefore, please direct your questions/inquiries to the SBI as I am not able to assist you with obtaining the information you are requesting.

The contact phone number for the SBI is 919-662-4500.

Sincerely,

J. Joy Strickland
Assistant Attorney General
Counsel to the State Crime Laboratory



EXHIBIT 4

y made by the
shall be used
nal prosecution,
d of the offenses

1050, 1215; 1889, c.
1800; 1969, c. 44, s.
47, s. 66.

tnesses in civil

suit, action or
any person hav-
thority to exam-
husband or wife
person in whose
eding is brought,
shall, except as
npellable to give
half of any party
No husband or
any confidential
he other during

8; Rev., s. 1636; 1919,
47; 1983 (Reg. Sess.,

nesses in crim-

shall be a compe-
all criminal ac-
tant to call such
sed against him.
amination as are

shall be compe-
fy for the State
minal action or
the spouse of the
and compellable

any or criminal
fact of marriage
v the absence of

ting or communi-
or spouse;
ss in or upon the
nce of the other
te and apart from
sent or court or-

ndonment of or
rt for the other

use for any other
he minor child of

either spouse, including any illegitimate or
adopted or foster child of either spouse.

(c) No husband or wife shall be compellable in any
event to disclose any confidential communication
made by one to the other during their marriage.

History.

1856-7, c. 23; 1866, c. 43; 1868-9, c. 209; 1881, c. 110; Code, ss.
588, 1353, 1354; Rev., ss. 1634, 1635, 1636; C.S., s. 1802; 1933, c. 13,
s. 1; c. 361; 1951, c. 296; 1957, c. 1036; 1967, c. 116; 1971, c. 800;
1973, c. 1286, s. 11; 1983, c. 170, s. 1; 1985 (Reg. Sess., 1986), c. 843,
s. 5; 1987 (Reg. Sess., 1988), c. 1040, s. 1; 1989 (Reg. Sess., 1990), c.
1039, s. 4; 1991, c. 686, s. 3.

§ 8-57.1. Husband-wife privilege waived in child abuse.

Notwithstanding the provisions of G.S. 8-56 and
G.S. 8-57, the husband-wife privilege shall not be
ground for excluding evidence regarding the abuse
or neglect of a child under the age of 16 years or
regarding an illness of or injuries to such child or the
cause thereof in any judicial proceeding related to a
report pursuant to the Child Abuse Reporting Law,
Article 3 of Chapter 7B of the General Statutes of
North Carolina.

History.

1971, c. 710, s. 3; 1998-202, s. 13(d).

§ 8-57.2. Presumed father or mother as wit- nesses where paternity at issue.

Whenever an issue of paternity of a child born or
conceived during a marriage arises in any civil or
criminal proceeding, the presumed father or the
mother of such child is competent to give evidence as
to any relevant matter regarding paternity of the
child, including nonaccess to the present or former
spouse, regardless of any privilege which may oth-
erwise apply. No parent offering such evidence shall
thereafter be prosecuted based upon that evidence
for any criminal act involved in the conception of the
child whose paternity is in issue and/or for whom
support is sought, except for perjury committed in
this testimony.

History.

1981, c. 634, s. 1.

§ 8-58. Repealed by Session Laws 1973, c. 1286, ss. 11, 26.

Editor's Note.

Session Laws 1973, c. 1286, repealed, transferred, and amended
numerous sections in the General Statutes, largely relating to
pretrial procedure, and enacted Chapter 15A, the Criminal Proce-
dure Act.

§ 8-58.1. Injured party as witness when medi- cal charges at issue.

Whenever an issue of hospital, medical, dental,
pharmaceutical, or funeral charges arises in any
civil proceeding, the injured party or his guardian,
administrator, or executor is competent to give evi-

dence regarding the amount of such charges, pro-
vided that records or copies of such charges accom-
pany such testimony. The testimony of such a person
establishes a rebuttable presumption of the reason-
ableness of the amount of the charges.

History.

1983, c. 776, s. 1.

§§ 8-58.2 through 8-58.5. Reserved for future cod-
ification purposes.

ARTICLE 7A.

RESTRICTIONS ON EVIDENCE IN RAPE CASES.

§§ 8-58.6 through 8-58.11. Repealed by Session
Laws 1983 (Regular Session, 1984), c.
1037, s. 2.

Cross References.

As to evidence in rape or sex offense cases, see G.S. 8C-1, Rule
412.

As to admissibility of evidence of reputation and prior convictions
in prostitution cases, see G.S. 14-206.

ARTICLE 7B.

EXPERT TESTIMONY.

§§ 8-58.12 through 8-58.14. Repealed by Session
Laws 1983 (Regular Session, 1984), c.
1037, s. 9.

§§ 8-58.15 through 8-58.19. Reserved for future
codification purposes.

ARTICLE 7C.

ADMISSIBILITY OF FORENSIC EVIDENCE.

§ 8-58.20. Forensic analysis admissible as evi- dence.

(a) In any criminal prosecution, a laboratory re-
port of a written forensic analysis, including an
analysis of the defendant's DNA, or a forensic sam-
ple alleged to be the defendant's DNA, as that term
is defined in G.S. 15A-266.2(2), that states the
results of the analysis and that is signed and sworn
to by the person performing the analysis may be
admissible in evidence without the testimony of the
analyst who prepared the report in accordance with
the requirements of this section.

(b) A forensic analysis, to be admissible under
this section, shall be performed in accordance with
rules or procedures adopted by the State Bureau of
Investigation, or by another laboratory accredited by
the American Society of Crime Laboratory Directors/
Laboratory Accreditation Board (ASCLD/LAB) for

the submission, identification, analysis, and storage of forensic analyses. The analyses of DNA samples and typing results of DNA samples shall be performed in accordance with the rules or procedures of the State Bureau of Investigation or other ASCLD/LAB-accredited laboratory.

(c) The analyst who analyzes the forensic sample and signs the report shall complete an affidavit on a form developed by the State Bureau of Investigation. In the affidavit, the analyst shall state (i) that the person is qualified by education, training, and experience to perform the analysis, (ii) the name and location of the laboratory where the analysis was performed, and (iii) that performing the analysis is part of that person's regular duties. The analyst shall also aver in the affidavit that the tests were performed pursuant to the ASCLD/LAB standards for that discipline and that the evidence was handled in accordance with established and accepted procedures while in the custody of the laboratory. The affidavit shall be sufficient to constitute prima facie evidence regarding the person's qualifications. The analyst shall attach the affidavit to the laboratory report and shall provide the affidavit to the investigating officer and the district attorney in the prosecutorial district in which the criminal charges are pending. An affidavit by a forensic analyst sworn to and properly executed before an official authorized to administer oaths is admissible in evidence without further authentication in any criminal proceeding with respect to the forensic analysis administered and the procedures followed.

(d) The district attorney shall serve a copy of the laboratory report and affidavit and indicate whether the report and affidavit will be offered as evidence at any proceeding against the defendant on the attorney of record for the defendant, or on the defendant if that person has no attorney, no later than five business days after receiving the report and affidavit, or 30 business days before any proceeding in which the report may be used against the defendant, whichever occurs first.

(e) Upon receipt of a copy of the laboratory report and affidavit, the attorney of record for the defendant or the defendant if that person has no attorney, shall have 15 business days to file a written objection to the use of the laboratory report and affidavit at any proceeding against the defendant. The written objection shall be filed with the court in which the matter is pending with a copy provided to the district attorney.

(f) If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file a written objection with the court to the use of the laboratory report and affidavit within the time allowed by this section, then the laboratory report and affidavit may be admitted in evidence in any proceeding without the testimony of the analyst subject to the presiding judge ruling otherwise at the proceeding when offered. If, however, a written objection is filed, this section does not apply and the

admissibility of the evidence shall be determined and governed by the appropriate rules of evidence.

(g) Procedure for Establishing Chain of Custody of Evidence Subject to Forensic Analysis Without Calling Unnecessary Witnesses. —

- (1) For the purpose of establishing the chain of physical custody or control of evidence that has been subjected to forensic analysis performed as provided in subsection (b) of this section, a statement signed by each successive person in the chain of custody that the person delivered it to the other person in indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery as stated, without the necessity of a personal appearance in court by the person signing the statement.
- (2) The statement shall contain a sufficient description of the material or its container, so as to distinguish it as the particular item in question and shall state that the material was delivered in essentially the same condition as received. The statement may be placed on the same document as the report provided for in subsection (a) of this section.
- (3) The provisions of this subsection may be utilized by the State only if (i) the State notifies the defendant at least 15 business days before any proceeding at which the statement would be used of its intention to introduce the statement into evidence under this subsection and provides the defendant with a copy of the statement and (ii) the defendant fails to file a written notification with the court, with a copy to the State, at least five business days before the proceeding that the defendant objects to the introduction of the statement into evidence.
- (4) In lieu of the notice required in subdivision (3) of this subsection, the State may include the statement with the laboratory report and affidavit, as provided in subsection (d) of this section.
- (5) If the defendant's attorney of record, or the defendant if that person has no attorney, fails to file the written objection as provided in this subsection, then the statement may be admitted into evidence without the necessity of a personal appearance by the person signing the statement.
- (6) Upon filing a timely objection, the admissibility of the statement shall be determined and governed by the appropriate rules of evidence.

Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the statement.

History.

2004-124, s. 15.2(c); 2007-484, s. 1; 2009-473, ss. 1, 2.

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§ 8-59. Is

In obtaining evidence pending in Justice, in manner of Procedure cases any agency may attend with a witness pursuant to t nor an or person ha subpoena

History.
1777, c. 1;
1639, C.S., s.
s. 5; 1981, c.

§ 8-60. F

§ 8-61. S

Subpoena papers, d in crimin for civil Procedur

History.
1797, c. 4
C.S., s. 180

§ 8-62. I

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§ 8-63. 1

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